



Appeal Decision

Site visit made on 6 October 2020

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th December 2020

Appeal Ref: APP/G4620/W/20/3256821

21 Pleasant Street, West Bromwich B70 7DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr S Ali against the decision of Sandwell Metropolitan Borough Council.
 - The application Ref DC/20/64234, dated 30 April 2020, was refused by notice dated 25 June 2020.
 - The application sought planning permission for the change of use of an industrial unit to a snooker hall without complying with a condition attached to planning permission Ref DC/18/62395, dated 13 August 2019.
 - The condition in dispute is No 6 which states that: The use hereby approved shall be open only between 09.00 - 21.00 hours Mondays to Saturdays, 10.00 - 16.00 hours on Sundays and there shall be no opening on Bank Holidays.
 - The reason given for the condition is: in the interests of residential living conditions, with some residences being located nearby which could be affected by noise.
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Decision

1. The appeal is allowed and the planning permission Ref DC/18/62395 for the change of use of an industrial unit to a snooker hall at 21 Pleasant Street, West Bromwich B70 7DB granted on 13 August 2019 by The Planning Inspectorate, is varied by deleting condition 6 and substituting for it the following condition:
 - 1) The use hereby permitted shall take place only between 1200 - 0300 on Mondays to Saturdays, 1000 - 1600 on Sundays, and shall not take place on Bank Holidays.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of neighbouring occupiers, having particular regard to noise and disturbance.

Reasons

3. The snooker hall is located within a portion of an industrial estate close to residential properties which front onto Newhall Street and back onto Mount Pleasant Street. The other commercial properties nearby predominantly comprise car repair and motor services businesses. There is also a steel fabrications and welding business located further along Pleasant Street which is also close to the nearby residential properties.

4. At the time of my visit, in the early afternoon, there were no people gathered outside the snooker hall and the level of traffic on Pleasant Street, Mount Pleasant Street and Newhall Street during this snapshot in time was also not significant. I also did not hear any significant noise levels coming from the snooker hall. Consequently, and given the fact that the area is both light industrial and residential, I consider the area to be relatively quiet when the snooker hall is open and no deliveries are being made to the nearby commercial premises.
5. I acknowledge that given the lack of public transport linkages nearby that patrons of the snooker club are more likely to travel there by car. However, the hall has capacity for up to 30 car parking spaces in and around it which I consider sufficient to meet the needs of its potential patrons. It would also be unlikely that this car park would be always full or that the club would be at full capacity every hour that it would be open or that all the patrons would arrive or leave at exactly the same time thereby causing significant noise or disturbance.
6. Furthermore, while I acknowledge the objection made by the Council's environmental health officer and interested parties, no substantive evidence, such as a formal notice, has been submitted to support this which suggests that noise disturbance has not been an issue at the appeal property in the past nor that any noise or disturbance was directly related to or caused by the business.
7. As a result and given the existing levels of background noise and the fact that the business has been in operation for a period of time, it would be reasonable to think that the development has not caused any unacceptable noise or disturbance to its neighbours. Moreover, I consider that this is likely to be as a result of the way the business has been run, and the measures taken to ensure that any noise disturbance is kept to a minimum.
8. Consequently, based on the evidence before me, I consider that the proposal would not unacceptably harm the living conditions of neighbouring occupiers having particular regard to noise and disturbance. I therefore conclude that it would accord with paragraphs 91 and 127 f) of the National Planning Policy Framework which amongst other things aim to create places that are safe and have a high standard of amenity for existing and future users.

Other Matters

Anti-social behaviour and fear of crime

9. Interested parties have raised concerns that the proposal would lead to an increase in anti-social behaviour and a fear of crime in the area. However, while I note that the statistics show that the area is not crime-free, I have no convincing evidence before me to show that any reported crime in the area is directly linked to the snooker hall or its operation as a business. Indeed, the snooker hall operates a strict no alcohol and no drugs policy and has 24-hour CCTV security cameras installed. Furthermore, the police have not objected to the proposal and based on the evidence before me I see no reason to disagree.

Highway safety and free flow of traffic in the area

10. Concerns have also been raised in relation to the effect the proposal would have on highway safety and the free flow of traffic in the area. However, the highway authority has not objected to the proposal and based on the evidence before me I see no reason to disagree.

Conclusion

11. For the reasons set out above I conclude that the appeal should be allowed and will vary the planning permission by deleting the disputed condition and substituting it with one permitting longer opening hours Mondays to Saturdays.

C Coyne

INSPECTOR